

1 **RESOLUTION NO.**

2 **WHEREAS**, the City’s Charter governs its most fundamental civic contract
3 with residents; and

4 **WHEREAS**, Austin voters decided in 2012 to move municipal general
5 elections for Mayor and Council members from May to November and in 2021
6 decided to move the Mayor’s election to coincide with that of the President of the
7 United States in order to engage with the largest likely voter participation; and

8 **WHEREAS**, Council wishes to utilize the higher voter participation in
9 presidential elections to offer its amendments to the City Charter; and

10 **WHEREAS**, Council previously has formed advisory commissions of City
11 residents to provide recommendations in anticipation of those Charter amendment
12 elections; and

13 **WHEREAS**, in order to avoid conflicts of interest, the Charter prohibits any
14 individual from qualifying to serve on the Independent Citizen’s Review
15 Commission, who themselves or their spouse within the five years before applying
16 served as or was a candidate for city or state office; as an officer, employee, or
17 paid consultant of a political party or of the campaign committee of a candidate for
18 elective state, county or city office; or was a registered state or local lobbyist,
19 among other restrictions, and therefore a precedent has been set on limiting certain
20 individuals from serving on such a City commission; and

21 **WHEREAS**, past Charter review commissions have limited participation to
22 non-lobbyists; and

23 **WHEREAS**, Article XI, Section 5 of the Texas State Constitution provides
24 that a city’s Charter may not be amended more often than every two years, and

25 Section 9.004(b) of the Texas Local Government Code provides that the Charter
26 amendment election must be held on the first authorized uniform election date
27 prescribed by the Texas Election Code or on the earlier of the date of the next
28 municipal general election or next presidential general election; and

29 **WHEREAS**, conducting off-cycle elections has considerable cost for the
30 City, and deciding significant policy questions during low-participation elections
31 risks un-representative governance; and

32 **WHEREAS**, Article IV of the City Charter outlines the requirements for
33 citizen initiative, referendum, and recall petitions and prior to November 2012,
34 both initiative and referendum petitions required signatures from 10% of qualified
35 voters to require an election to amend the City Code; and

36 **WHEREAS**, in November 2012, voters approved a Charter amendment to
37 change the number of required signatures for initiative and referendum petitions to
38 be equal to the number of signatures required by state law to initiate a Charter
39 amendment: 5% of qualified voters or 20,000, whichever number is smaller, and
40 this change resulted in petitioners needing fewer than half the number of signatures
41 than before; and

42 **WHEREAS**, in 2012, when the change was made, 20,000 signatures was
43 4% of qualified voters, but this fixed number represents a steadily decreasing
44 percentage of Austin voters as the City's population continues to grow; and

45 **WHEREAS**, in 2017, Council established a 2018 Charter Review
46 Commission to advise the Council on revisions to the Charter, and the body
47 recommended changes to referendum and recall petitions including:

- increasing the percentage of voters needed for a recall petition from 10% of registered voters in the district to 20% and
- requiring petitioners to file a letter of intent with the City Clerk before collecting signatures for a referendum petition; and

WHEREAS, from the Charter Review Commission’s May 7, 2018 report, Council only submitted to voters the amendments related to routine harmonization of language and recommendations related to the Planning Commission; and

WHEREAS, an October 2019 report by the City Auditor regarding citizen initiatives to amend the City Code noted that most peer cities require more signatures for citizen initiatives than Austin and that only Austin provides for a set number of signatures required or a percentage requirement, whichever is smaller; and

WHEREAS, the October 2019 report further notes that since the change in petition thresholds, six citizen-initiated petitions had been filed, five of which were confirmed as valid; and

WHEREAS, since the October 2019 publication of the Auditor’s report there have been an additional ten citizen-initiated ballot items submitted to the Clerk and placed before the voters; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The Council establishes a 2024 Charter Review Commission to advise the Council and issue a Recommendation Report to Council on initiative, referendum, and charter amendment petition and election requirements noted below and any further revisions which may be necessary or desirable to align the City Charter with changes to applicable law, and to make recommendations to the Council to

72 improve and enhance transparency and the general functions of city government.
73 The City Manager is directed to assist the Commission in organizing along the
74 following parameters:

- 75 • The Commission shall be composed of eleven voting members, and
76 Council members and the Mayor shall have one nomination each for
77 approval by the Council.
- 78 • A member nominated to the Commission shall reside within the City
79 limits, not be a lobbyist, and not have submitted a petition for an
80 initiative or referendum election to the City Clerk in the last 5 years.
- 81 • Any appointed member shall comply with the same open-meetings
82 regulations, quorum rules, and financial disclosures as required of the
83 Planning Commission.
- 84 • Any member of the Commission may be removed by the Council for
85 malfeasance, failure to attend three or more consecutive meetings (except
86 for absences due to illness of the commission member or an immediate
87 family member, birth or adoption of child, and military service), or
88 willful neglect of duty.
- 89 • The Commission shall conduct public hearings to encourage and solicit
90 broad-based input from the community at large for consideration of each
91 proposal prior to the submission of the Recommendation Report to the
92 Council.
- 93 • The Commission shall review the recommendations of prior charter
94 review commissions and any suggestions that may be prepared by the
95 City staff, including feedback from the City Auditor's office.

- The Commission shall begin its work as soon as practicable, with the goal of recommending amendments within 365 days of the passage of this resolution for consideration by the public and for Council to ensure that proposed amendments can be placed on the November 2024 ballot in a timely manner.
- The 2024 Charter Review Commission will cease operations upon submission of its final report to Council.

BE IT FURTHER RESOLVED:

The Council expresses its intent to hold an election in November 2024 to allow voters to decide on changes to petition requirements for initiative and referendum or City Charter amendments including, but not limited to:

- Use of a durable signature threshold that utilizes a percentage of the total number of registered voters in the City.
- Limit on citizen-initiated changes to the City Code or City Charter to November elections with a stated preference of holding elections on presidential election years.
- Letters of intent for petitions that ensure transparency.
- Ethical guidelines for gathering petition signatures.

ADOPTED: _____, 2023

ATTEST: _____

Myrna Rios
City Clerk